

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY, NOVEMBER 10, 2004  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
ROGER KRZEMINSKI

ABSENT: CHARLES OLIVER

Also in attendance: Jerome R. Schmeiser, Community Planning Consultant  
Larry Dloski, Township Attorney  
James Van Tiflin, Township Engineer of Spalding DeDecker  
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. Trustee OLIVER absent.

Supervisor BRENNAN stated the reason for Charlie Oliver's absence is that he will be receiving an award honoring "Oliver Farms" from the State Department of Agricultural, for donating food to the needy. Mr. Brennan also indicated that this was Mr. Oliver's last meeting and thanked him for his years of service.

**MOTION by KRZEMINSKI seconded by MALBURG to refrain from calling the name Charles Oliver, Trustee for all future motions.**

2. Approval of Agenda Items (*With any corrections*)

**MOTION by BUCCI seconded by KOEHS to approve agenda as amended.**

**MOTION carried.**

3. Approval of Bills

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**MOTION by DUNN seconded by KRZEMINSKI to approve the bills as submitted.**

**MOTION carried.**

4. Approval of the October 27, 2004 previous Meeting Minutes

**MOTION by DUNN seconded by MALBURG to approve the October 27, 2004 previous Meeting Minutes.**

**MOTION carried.**

5. **CONSENT AGENDA ITEMS:**

5A. CLERKS DEPARTMENT:

1. Request to Return Unused Funds; Sanitary Sewer Diversion; Brenton Woods Farms/ Pine Pointe Subdivisions. MA04-008
2. Request to Approve; Wall Sign Bond Return; Telesat Canada; Permanent Parcel No. 08-18-326-026
3. Request to Approve; Wall Sign Bond Return; Dollar Circle; Permanent Parcel No. 08-31-300-025.
4. Request to Approve; Model Permits; Fallbrooke Farms Subdivision; Lot Numbers: 1, 89, 102 and 3. Section 4

5B. WATER & SEWER DEPARTMENT:

1. Request to approve Easement Encroachment Agreement, Joseph R. and Lori Fogolini, 47972 Stanford Drive, Macomb, MI 48044, Lot 133, Lancaster Subdivision.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the consent agenda items as submitted.**

**MOTION carried.**

6. PUBLIC COMMENTS: (Non Agenda items only - 3 minute time limit) None

**PLANNING COMMISSION:**

7. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1); Located on the north side of 23 Mile Road, 1,000' east of Heydenreich Road. Macomb Twp, Petitioner. Permanent Parcel No. 08-15-300-018

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

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Petitioner: Macomb Township

Public Portion: None

**MOTION by KRZEMINSKI seconded by KOEHS to approve to rezone the property from Rezoning Request; Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-15-300-018.**

**MOTION carried.**

8. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1);  
Located on the north side of 22 Mile Road, 1/2 mile west of Heydenreich Road.  
Macomb Twp, Petitioner. Permanent Parcel No. 08-21-400-002

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

Petitioner: Macomb Township

Public Portion: Tom Schwartz, property owner addressed his concerns regarding the purpose for rezoning his property. Supervisor BRENNAN addressed his concerns reassuring him that his property taxes will not increase.

**MOTION by MALBURG seconded by BUCCI to approve to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-21-400-002**

**MOTION carried.**

9. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1);  
Located on the north side of 22 Mile Road, 1/3 mile west of Heydenreich Road.  
Macomb Township, Petitioner. Permanent Parcel No. 08-21-400-014

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

Petitioner: Macomb Township

Public Portion: None

**MOTION by KRZEMINSKI seconded by MALBURG to approve to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-21-400-014**

**MOTION carried.**

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10. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1);  
Located on the north side of 22 Mile Road, 1/3 mile west of Heydenreich Road.  
Macomb Township, Petitioner. Permanent Parcel No. 08-21-400-015

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

Petitioner: Macomb Township

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to approve to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-21-400-015**

**MOTION carried.**

11. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1);  
Located on the south side of 23 Mile Road, 1/4 mile west of Card Road. Macomb Township, Petitioner. Permanent Parcel No. 08-22-200-003

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

Petitioner: Macomb Township

Public Portion: None

**MOTION by MALBURG seconded by BUCCI to approve to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-22-200-003**

**MOTION carried.**

12. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1);  
Located on the south side of 22 Mile Road, 1/4 mile west of Card Road. Macomb Township, Petitioner. Permanent Parcel No. 08-22-200-004

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

Petitioner: Macomb Township

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**MOTION by MALBURG seconded by KRZEMINSKI to approve to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-22-200-004**

**MOTION carried.**

13. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1); Located on the south side of 23 Mile Road, 1/4 mile east of Heydenreich Road. Macomb Township, Petitioner. Permanent Parcel No. 08-22-100-014

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

Petitioner: Macomb Township

Public Portion: None

**MOTION by KRZEMINSKI seconded KOEHS to approve to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-22-100-014**

**MOTION carried.**

14. **Rezoning Request;** Agricultural (AG) to Residential One Family Urban (R-1); Located on the south side of 23 Mile Road, 1/4 mile east of Heydenreich Road. Macomb Township, Petitioner. Permanent Parcel No. 08-22-100-002

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the findings and recommendations for approval for agenda item numbers 7 through 14.

Petitioner: Macomb Township

Public Portion: None

**MOTION by MALBURG seconded by KOEHS to approve to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-22-100-002**

**MOTION carried.**

15. **Rezoning Request;** Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1); Located 450' west of Broughton Road and 222' north of 25 Mile Road. Elro Corporation, Petitioner. Permanent Parcel No. 08-04-400-019 & 08-04-400-032

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Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: Harry Terbrueggen and Daniel Spatafora of Elro Corporation

Supervisor BRENNAN held further discussion with Township Attorney Larry Dloski regarding the proposal.

Public Portion: None

**MOTION by DUNN seconded by KOEHS to follow the Planning Commissions recommendation and deny the request to rezone the property from Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1); Permanent Parcel No. 08-04-400-019 & 08-04-400-032**

**MOTION carried.**

16. **Land Division Variance; Gateway Village Estates;** Located on the north side of 24 Mile Road east of Hayes. Sal-Mar Gateway Village Estates, Inc., Petitioner. Permanent Parcel No. 08-07-300-017

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None

Petitioner: Not present

**MOTION by DUNN seconded by MALBURG to approve the Land Division Variance; Gateway Village Estates; Section 17-114 with the understanding that all landscape improvements will be installed by June 1, 2005. In the event all landscape improvements are not installed by June 1, 2005, all building permit activity will cease. Permanent Parcel No. 08-07-300-017**

**FOR THIS MOTION: DUNN, MALBURG, BUCCI, KRZEMINSKI, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: OLIVER**

**MOTION carried.**

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**MOTION by DUNN seconded by BUCCI to deny the Land Division Variance Request; Gateway Village Estates; Section 17-145 to defer the installation of underground improvements including utilities, pavement, etc. Permanent Parcel No. 08-07-300-017**

**FOR THIS MOTION: DUNN, BUCCI, MALBURG, KRZEMINSKI, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: OLIVER**

**MOTION carried.**

17. **Land Division Variance; Fallbrooke Farms Subdivision;** Located on the north side of 25 Mile Road west of Broughton Road. Elro Corporation, Petitioner. Section 4. (Entire Subdivision)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for

Petitioner Present: Harry Terbrueggen of Elro Corporation

Public Portion: None

**MOTION by KOEHS seconded by DUNN to approve the Land Division Variance; Fallbrooke Farms Subdivision (entire subdivision); Section 17-114 to allow building permits to be issued prior to the completion of the landscaping, the 8' bituminous pathway, and the sidewalks that are the developer's responsibility with the understanding that all improvements be installed by June 1, 2005. Section 4.**

**MOTION carried.**

**OLD BUSINESS:**

18. **Adopt Ordinance Amendment;** Parks & Recreation

Larry Dloski, Township Attorney, reviewed the ordinance.

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to adopt the ordinance amendments for the Township Parks and Recreation as follows:**

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**FOR THIS MOTION: KOEHS, MALBURG, BUCCI, KRZEMINSKI, DUNN,  
BRENNAN.**

**OPPOSED: NONE**

**ABSENT: OLIVER**

**MACOMB TOWNSHIP**

**MACOMB COUNTY, MICHIGAN**

**AMENDMENT OF MACOMB TOWNSHIP CODE # 225**

**TITLE**

**AN ORDINANCE amending the Macomb Township Code pertaining to  
Parks and Recreation, and repealing any and all ordinances, resolutions or parts  
thereof inconsistent with the provisions of this amendment.**

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB,  
MACOMB  
COUNTY, MICHIGAN ORDAINS:**

**SECTION 1. AMENDMENTS The Macomb Township Code is amended to read as  
follows:**

**Add: Section 18 (c) Permitted Activities “The park may be utilized for recreational  
purposes only. Religious, charitable and political groups or organizations are  
hereby prohibited from using any park for fundraising or fundraising activities,  
gatherings or rallies. Such activities are banned within the boundaries of the park.  
The objective of this ordinance is not to exclude particular communication, but to  
coordinate multiple uses of limited space, assure preservation of park facilities,  
prevent dangerous, unlawful or impermissible uses, and assure financial  
accountability for damage caused by events or uses.”**

**SECTION 2. REPEAL OF CONFLICTING PROVISIONS**

**All resolutions, ordinances or parts thereof in conflict with the provisions of  
this Ordinance are to the extent of such conflict hereby repealed.**

**SECTION 3. SEVERABILITY**



If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 4. PUBLICATION**

This Ordinance shall be published in full in the *Macomb Daily* a newspaper of general circulation in the Township of Macomb, within thirty (30) days after its adoption.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days from and after the date of publication of a true copy in a newspaper circulating within the Township of Macomb, as provided by Section 4.

**CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb, Township, Macomb County, Michigan, at a meeting held on the 10 day of November, A.D., 2004.

I hereby further certify that the following Township Board members were present at said meeting:

John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski.

and the following Township Board Members were absent:

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**Charles Oliver.**

**I further certify that Member KOEHS moved for the adoption of said Ordinance, and that motion was supported by Member MALBURG.**

**I further certify that the following Macomb Township Board Members voted for the adoption of said Ordinance:**

**KOEHS, MALBURG, BUCCI, KRZEMINSKI, DUNN, BRENNAN.**

**and that the following Macomb Township Board members voted against adoption of said Ordinance: None**

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**Michael Koehs, CMC  
Macomb Township Clerk**

**CERTIFICATE OF PUBLICATION**

**I, the undersigned Township Clerk of the Township of Macomb, do hereby certify that on November 18, 2004, the foregoing Ordinance was duly published in the *Macomb Daily*, a newspaper having general circulation within Macomb Township.**

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**Michael Koehs, CMC  
Macomb Township Clerk**

**MOTION carried.**

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**NEW BUSINESS:**

19. Request to Approve Macomb Township 2005 Meeting Schedule.

Clerk KOEHS reviewed the 2004 and 2005 Meeting dates.

**MOTION by KOEHS seconded by MALBURG to change the 2004 Meeting Schedule Township Board of Trustees meeting date of November 24, 2004 to November 22, 2004.**

**MOTION carried.**

**MOTION by KOEHS seconded by BUCCI to approve the 2005 Meeting Schedule changing the Township Board of Trustees meeting date of January 26, 2005 to January 24, 2005.**

**MOTION carried.**

20. **Request to Approve Liquor License Owner Transfer;** Hickory Hollow Golf Course; Address: 49001 North Avenue, Macomb, MI 48042.

Supervisor BRENNAN reviewed the item.

Public Portion: None

Petitioner Present: Richard Turgeon

**MOTION by DUNN seconded by MALBURG to adopt the resolution approving the owner transfer of all stock (1998 licensing year) in 2001 12 Months Resort Class C licensed business with Entertainment Permit, located at 49001 North, Macomb, MI 48042, Macomb Township, Macomb County, by dropping Edgar Beck, deceased, as stockholder through transfer of his 4,000 shares of stock to new stockholders, Marion I. Beck (3,200 shares), Sharon Turgeon (400 shares), and Richard Turgeon (400 shares). Licensee Name Foredom Inc, DBA Hickory Hollow Golf Course.**

**MOTION carried.**

21. **Request to Create Industrial Development District;** Regency Commerce Center Unit 4. Permanent Parcel No. 08-17-344-004

*Administrative*

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**MOTION by BUCCI seconded by KRZEMINSKI to approve the request for  
creation of an Industrial Development District for Regency Commerce Center Unit  
4. Permanent Parcel No. 08-17-344-004**

**MOTION carried.**

22. **Request to Adopt Resolution No. 1 & Schedule the Public Hearing Date;**12-08-04; Gloede Park Estates Subdivision; Special Assessment District; Stormceptor Structures; John Cavaliere, petitioner. Section 30.

*Administrative*

**MOTION by DUNN seconded by KOEHS to adopt resolution no. 1 and schedule the  
public hearting date for December 8, 2004 for the Gloede Park Estates Subdivision;  
Special Assessment District; Stormceptor Structures. Section 30**

**Gloede Park Subdivision**

#### **RESOLUTION NO. 1**

**Minutes of a regular meeting of the Township Board of the Township of  
Macomb, County of Macomb, Michigan, held in the Township Hall in said  
Township on November 10, 2004 at 7:00 o'clock P.M., Eastern Standard Time.**

**PRESENT: BRENNAN, BUCCI, DUNN, KOEHS, KRZEMINSKI, MALBURG,  
ABSENT: OLIVER**

**The following preamble and resolution were offered by Member DUNN and  
supported by Member MALBURG.**

**WHEREAS, final approval of Gloede Park Subdivision (the "Plat") has been  
requested by the proprietor(s) thereof; and**

**WHEREAS, the Public Works Commissioner of Macomb County and the  
Macomb Township Board (the "Township") have examined the Plat and are willing  
to approve it on the condition that Section 192(d) of Act 288 of 1967, (the "Act"),  
requiring that the proprietor(s) provide an adequate Stormceptor Structure is  
satisfied; and**

**WHEREAS, the legal description of the property to be benefited by the  
Stormceptor Structure is set forth on Exhibit "A" attached hereto; and**

**WHEREAS, Gloede Park Subdivision Association (the "Association") and/or lot owners are responsible for the maintenance and operation of the Stormceptor Structures pursuant to and in accordance with a Declaration of Covenants, Conditions and Restrictions of Gloede Park Subdivision which will be recorded with the Macomb County Register of Deeds coincident with the recording of Plat; and**

**WHEREAS, the Association and/or lot owners refuse, fail or neglect to maintain the Stormceptor Structure resulting in conditions threatening the public health, safety or welfare, and requiring the Township to abate such conditions; and**

**WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the Stormceptor Structures, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon all property and subdivision lots located in such district by the imposition of a special assessment levy; and**

**WHEREAS, it has been proposed that the special assessment levy for each lot within the Plat be equal to the annual cost of operation and maintenance of the Stormceptor Structures multiplied by a fraction, the numerator of which is one (1) and the dominator of which is the total number of lots in the Plat; and**

**WHEREAS, pursuant to Section 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District to defray the cost of operating and maintaining the Stormceptor Structures by special assessment on the property benefited thereby.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. That pursuant to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192(a) of the Act and such Special Assessment District shall consist of lots contained within the Plat.**

**2. That the Township Board give notice of and hold a public hearing on December 8, 2004, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the Stormceptor Structures by special assessment on the property benefited thereby shall be discussed. The operation and maintenance of the Stormceptor Structures shall include, but not be limited to, the operation and maintenance, the cutting of grass and removal of weeds and other debris.**

**3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and**

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documents and to do and perform any and all acts and things which shall be or become necessary or desirable to carry out, put into effect or make operative any and all matter and things authorized or permitted to be done by this resolution.

AYES: DUNN, MALBURG, KRZEMINSKI, BUCCI, KOEHS, BRENNAN  
NAYS: NONE  
ABSENT: OLIVER

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*Michael D. Koehs, CMC*  
Macomb Township Clerk

**RESOLUTION DECLARED ADOPTED.**

23. **Request to Adopt Resolution No. 1 & Schedule the Public Hearing Date;** 12-8-04; Parkview Estates Subdivision; Special Assessment District; Detention Basin. GTR Builders, petitioner. Section 23

*Administrative*

**MOTION by DUNN seconded by KRZEMINSKI to adopt resolution no. 1 and schedule the public hearing date; December 8, 2004; Parkview Estates Subdivision; Special Assessment District; Detention Basin. Section 23 as follows:**

**FOR THIS MOTION: DUNN, KRZEMINSKI, BUCCI, MALBURG, KOEHS BRENNAN**

**OPPOSED: NONE**

**ABSENT: OLIVER**

**Parkview Estates Subdivision**

**RESOLUTION NO. 1**

**Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on November 10, 2004, at 7:00 o'clock P.M., Eastern Standard Time.**

**PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski**

**ABSENT: Charles Oliver**

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**The following preamble and resolution were offered by Member DUNN and supported by Member KRZEMINSKI .**

**WHEREAS, final approval of Parkview Estates Subdivision (the "Plat") has been requested by the proprietor(s) thereof; and**

**WHEREAS, the County Drain Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192, et seq. of the State Land Division Act (the "Act"), requiring that the proprietor(s) provide a sedimentation basin is satisfied; and**

**WHEREAS, Parkview Estates Subdivision Association (the "Association") and/or lot owners in Parkview Estates Subdivision are responsible for the maintenance and operation of the Sediment Basin pursuant to and in accordance with a Declaration of Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of Plat; and**

**WHEREAS, in the event the Association and/or Lot owners refuse, fail or neglect to maintain the Sediment Basin which results in conditions threatening public health, safety or welfare thus requiring the Township to abate such conditions; and**

**WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the Sediment Basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon all property located in such district by the imposition of a special assessment levy; and**

**WHEREAS, it has been proposed that the special assessment levy for each lot within the Plat be equal to the annual cost of operation and maintenance of the Sediment Basin multiplied by the fraction, the numerator of which is one (1) and the dominator of which is the total number of lots in the Plat; and**

**WHEREAS, pursuant to Section 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the Sediment Basin by special assessment on the property benefited thereby.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. That pursuant to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section**

**192(a) of the Act and such Special Assessment District shall consist of a portion of the property contained within the Plat.**

**2. That the Township Board give notice of and hold a public hearing on December 8, 2004, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the Sediment Basin by special assessment on the property benefited thereby, shall be discussed. The operation and maintenance of the Sediment Basin shall include, but not be limited to, the operation and maintenance, the cutting of grass and the removal of weeds and other debris.**

**3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matter and things authorized or permitted to be done in the hereinabove resolution.**

**AYES: DUNN, KRZEMINSKI, BUCCI, MALBURG, KOEHS, BRENNAN  
NAYS: NONE  
ABSENT: OLIVER**

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***Michael D. Koehs, CMC***  
**Macomb Township Clerk**

**RESOLUTION DECLARED ADOPTED.**

**24. Request to Adopt Resolution No. 1 & Schedule the Public Hearing Date; 12-08-04; Brook Run South Subdivision; Sedimentation Basin, GTR Builders, petitioner. Section 28**

***Administrative***

**MOTION by BUCCI seconded by KOEHS to adopt resolution no. 1 and schedule the public hearing date; December 8, 2004; Brook Run South Subdivision; Sedimentation Basin. Section 28 as follows:**

**FOR THIS MOTION: BUCCI, KOEHS, KRZEMINSKI, MALBURG, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: OLIVER**



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**RESOLUTION NO. 1**

**Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on November 10, 2004, at 7:00 o'clock P.M., Eastern Standard Time.**

**PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski**

**ABSENT: Charles Oliver**

**The following preamble and resolution were offered by Member BUCCI and supported by Member KOEHS.**

**WHEREAS, final approval of Brook Run South Subdivision (the "Plat") has been requested by the proprietor(s) thereof; and**

**WHEREAS, the County Drain Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192, et seq. of the State Land Division Act (the "Act"), requiring that the proprietor(s) provide a sedimentation basin is satisfied; and**

**WHEREAS, Brook Run South Subdivision Association (the "Association") and/or lot owners in Brook Run South Subdivision are responsible for the maintenance and operation of the Sediment Basin pursuant to and in accordance with a Declaration of Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of Plat; and**

**WHEREAS, in the event the Association and/or Lot owners refuse, fail or neglect to maintain the Sediment Basin which results in conditions threatening public health, safety or welfare thus requiring the Township to abate such conditions; and**

**WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the Sediment Basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon all property located in such district by the imposition of a special assessment levy; and**

**WHEREAS, it has been proposed that the special assessment levy for each lot within the Plat be equal to the annual cost of operation and maintenance of the Sediment Basin multiplied by the fraction, the numerator of which is one (1) and the dominator of which is the total number of lots in the Plat; and**

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**WHEREAS, pursuant to Section 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the Sediment Basin by special assessment on the property benefited thereby.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. That pursuant to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192(a) of the Act and such Special Assessment District shall consist of a portion of the property contained within the Plat.**

**2. That the Township Board give notice of and hold a public hearing on December 8, 2004, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the Sediment Basin by special assessment on the property benefited thereby, shall be discussed. The operation and maintenance of the Sediment Basin shall include, but not be limited to, the operation and maintenance, the cutting of grass and the removal of weeds and other debris.**

**3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matter and things authorized or permitted to be done in the hereinabove resolution.**

**AYES: BUCCI, KOEHS, DUNN, KRZEMINSKI, MALBURG, BRENNAN.**  
**NAYS: NONE.**  
**ABSENT: OLIVER**

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***Michael D. Koehs, CMC***  
**Macomb Township Clerk**

**RESOLUTION DECLARED ADOPTED.**

Addition: 24A. Request to Approve Partial Vacation of Easement

Larry Dloski, Township Attorney reviewed the item.

Marie Malburg, Township Treasurer, requested that she be allowed to abstain from the motion for the reason that she has an interest in the property described.

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Public Portion: None

**MOTION by KOEHS seconded by BUCCI to approve that the Township of Macomb, for the consideration of One Dollar and 00/100 (\$1.00), vacates a portion of the 30' easement over lot 39 of the Emerald Green Subdivision, which subdivision is recorded in Liber 155 of Plats, pages 79 through 90 of the Macomb County Records as follows: That parcel of land described on Exhibit A containing 291.29 square feet or 0.0037 acres**

**MOTION carried.** *Malburg abstained because of the aforementioned reasons.*

**FIRE DEPARTMENT:**

25. Proposed Amendment to Open Burning Ordinance

Chief AHONEN and Township Attorney Larry Dloski reviewed the item

Public Portion: None

**MOTION by KRZEMINSKI seconded by KOEHS to adopt the proposed amendment to open burning ordinance as follows:**

**FOR THIS MOTION: KRZEMINSKI, KOEHS, BUCCI, MALBURG, DUNN, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: OLIVER**

**TOWNSHIP OF MACOMB  
MACOMB COUNTY, MICHIGAN  
ORDINANCE #226; AMENDMENT OF SECTION 6-1, OPEN BURNING,  
BEING CHAPTER VI OF THE CODE OF ORDINANCES  
TO ALLOW OPEN BURNING IN ENCLOSED DEVICES  
UNDER CERTAIN CONDITIONS**

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN ORDAINS:**

**Section 6-1(c) is amended to read as follows:**

**(c) *Permits Required.* No person shall, within the limits of the Township, set or cause to be set, burn or caused to be burned, at any time, brush, limbs or trees on any**

lot or parcel of ground within the Township unless such person has first obtained a permit for such fire. Permits are not required to burn in an enclosed devices nor for charcoal and gas barbeques for food preparation.

**SECTION 6-1 IS FURTHER AMENDED BY ADDING SECTION (k) WHICH SHALL READ AS FOLLOWS:**

Enclosed devices (metal-with grating or ceramic) where fire is fueled by charcoal or seasoned dry wood are permitted in all sections of the Township notwithstanding Section 6.1(b) with the following conditions:

I. The approved container must be a minimum of fifteen (15) feet from any structure, including a deck, garage or storage building.

II. The fire must be attended by an adult until it is completely extinguished.

III. The approved container must rest on an impervious, non-flammable base.

IV. The use of dug-out or below grade fire pits are prohibited.

**Section 2. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

**Section 3. PUBLICATION**

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

**Section 4. EFFECTIVE DATE**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
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**This Ordinance shall take effect seven (7) days after publication.**

**Section 5.     CERTIFICATION**

**I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 10th day of November, 2004, by the following vote of the members thereof:**

**AYES:           MEMBERS: John D. Brennan, Michael D. Koehs, Marie Malburg,  
Janet Dunn, Roger Krzeminski, and Dino F. Bucci**

**NAYS:           MEMBERS: None**

**ABSENT:       MEMBERS: Charles Oliver**

**This Ordinance was published in the Macomb Daily Newspaper as required by law in its edition for November 18, 2004.**

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Michael D. Koehs, Clerk  
Macomb Township

**MOTION carried.**

**HUMAN RESOURCE DEPARTMENT:**

**26.     Benefits for Management Personnel**

John Brogowicz, Human Resource Director, reviewed the request.

**MOTION by DUNN seconded by BUCCI to authorize the Township Supervisor John D. Brennan to sign the memorandum of understanding pertaining to the Benefits for Management Personnel.**

**FOR THIS MOTION: DUNN, BUCCI, MALBURG, KRZEMINSKI, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: OLIVER**

**MOTION carried.**

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**MOTION by KRZEMINSKI seconded by KOEHS to reaffirm and ratify the benefits being offered to Township Elected Officials.**

**FOR THIS MOTION: KRZEMINSKI, KOEHS, MALBURG, BUCCI, DUNN, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: OLIVER**

**MOTION carried.**

*Addition 26A.* Request to promote Ronald Charbeneau to Water & Sewer Inspector

John Brogowicz, Human Resource Director, reviewed the request.

**MOTION by KOEHS SECONDED by MALBURG to promote Ronald Charbeneau from a Utility Worker to a Water and Sewer Inspector. Effective Date: November 15, 2004.**

**MOTION carried.**

*Addition 26B.* Request to continue the recruitment process to fill two (2) Utility Worker Positions for the Township Water and Sewer Department.

John Brogowicz, Human Resource Director, reviewed the request.

**MOTION by BUCCI seconded by DUNN to continue the recruitment process to fill two (2) Utility Worker Positions for the Township Water and Sewer Department.**

**MOTION carried.**

Mr. Brogowicz commended the Township Clerks Department for job done well involving the November 2, 2004 General Election.

**PARK & RECREATION DEPARTMENT:**

27. Approval to prepare and proceed with the mailing of the 2005 Winter Brochure.

Salvatore DiCaro, Parks & Recreation Director, reviewed the item.

Public Portion: None

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**MOTION by DUNN seconded by KOEHS to approve the 2005 winter programs for the total cost of Twenty Five Thousand dollars and 00/100 (\$25,000.00) as submitted.**

**MOTION carried.**

28. Approval of the 2005 Winter Brochure

Salvatore DiCaro, Parks & Recreation Director, reviewed the item.

Public Portion: None

**MOTION by KRZEMINSKI seconded by DUNN to approve the 2005 Winter Brochure and allow Mith Creative Services the opportunity to typeset the brochure for the total cost of Five Hundred dollars and 00/100 (\$500.00), to allow Litho Printing the opportunity to print the brochure for the total cost of Six Thousand Three Hundred Twenty dollars and 60/100 (\$6,320.60) and to mail the brochure through the U. S Postal Service for the total cost of Three Thousand One Hundred Thirty Eight dollars and 82/100 (\$3,138.82) as submitted.**

**MOTION carried.**

**WATER & SEWER DEPARTMENT:**

29. Payment Certificate # 1, 24 Mile Road Sanitary Sewer (S.A.D), C&P Construction Company Inc. MA03-031.

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by KOEHS seconded by BUCCI to approve the payment of Certificate #1 24 Mile Road Sanitary Sewer (Future Broughton Road East 600') (S.A.D), C&P Construction Company Inc. MA03-031 for the total cost of Ninety Four Thousand Eight Hundred Thirty One dollars and 38/100 (\$94,831.38) as submitted.**

**MOTION carried.**

30. Easement Acquisitions for Marseilles Street Sanitary Sewer Project, MA086-S

*This item was moved to Executive Session*

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31. Approval of Purchase Requisitions:  
A. Michigan Cat

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by KOEHS seconded by DUNN to approve the purchase requisition request for Michigan Cat for equipment maintenance materials for the water and sewer department for the total cost of Eleven Thousand Six Hundred Sixty Seven dollars and 64/100 (\$11,667.64) as submitted.**

**MOTION carried.**

**BOARD COMMENTS:**

32. Supervisor Comments: None

33. Clerk Comments:

Clerk KOEHS stated the November 2, 2004 General Election went very well and commended his staff and election workers for doing such a wonderful job.

34. Treasurer Comments:

- 34a. Request Permission to Hire Temporary Help for the 2004 Tax Season

Treasure MALBURG reviewed the request.

**MOTION by KOEHS seconded by BUCCI to follow Marie Malburg's recommendation and hire Virginia Grzadzinski, a former Township Employee for a temporary period of eighty nine (89) days during the 2004 tax season and recommend that she receive the current temporary employee pay rate.**

**MOTION carried.**

35. Trustees Comments: None

**EXECUTIVE SESSION:**

**MOTION by KOEHS seconded by MALBURG to adjourn into executive session at 8:20 p.m.**

**MOTION carried.** The Board reconvened at 8:32 p.m.



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36. Portofino Villas, LLC v Township of Macomb  
(*Tblld Twp Meeting; 10-27-04*)

**MOTION by KOEHS seconded by MALBURG to authorize legal counsel to continue with the negotiations in this matter involved with Portofino Villas, LLC v Township of Macomb.**

**MOTION carried.**

*Previously agenda number 30*

- 36A. Easement Acquisitions for Marseilles Street Sanitary Sewer Project, MA086-S

**MOTION by KOEHS seconded by DUNN to authorize the execution of both easement agreements; Marseilles Street Sanitary Sewer Project, MA086-S. Permanent Parcel No. 08-21-376-015 & 016.**

**MOTION carried.**

**ADJOURNMENT:**

**MOTION by BUCCI seconded by KOEHS to adjourn this meeting at 8:43 p.m.**

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk  
MDK/gmb